

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**JIMMIE D. O'NEILL**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 1:12-cv-157-HSO-RHW**

**COMMISSIONER OF  
SOCIAL SECURITY ADMINISTRATION**

**DEFENDANT**

**ORDER ADOPTING MAGISTRATE'S PROPOSED FINDINGS OF FACT  
AND RECOMMENDATION; DENYING PLAINTIFF'S REQUEST FOR  
REVERSAL; AND AFFIRMING COMMISSIONER'S DECISION**

This cause comes before the Court on the Proposed Findings of Fact and Recommendation [9] of United States Magistrate Judge Robert H. Walker entered in this action on July 16, 2013, and Plaintiff Jimmie D. O'Neill's Memorandum [7] in Support of his Complaint [1], in which he asked the Court to reverse the decision of the Commissioner of Social Security and award him disability benefits. The Magistrate Judge recommended that the Commissioner's decision be affirmed and that Plaintiff's request for disability benefits be denied. *See* Proposed Findings of Fact and Recommendation, at p. 13. Plaintiff received a copy of the Proposed Findings of Fact and Recommendation by certified mail on July 18, 2013. *See* Acknowledgment of Receipt [10], at p. 1. To date, he has not filed any objection to the Magistrate Judge's Proposed Findings of Fact and Recommendation.

Where no party has objected to the Magistrate Judge's Proposed Findings of Fact and Recommendation, the Court need not conduct a *de novo* review of it. 28 U.S.C. § 636(b)(1) ("a judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which

objection is made”); *accord* FED. R. CIV. P. 72(b)(3). In such cases, the Court need only review the Proposed Findings of Fact and Recommendation and determine whether the recommended disposition is clearly erroneous or contrary to law.

*United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Based on the record and having conducted the required review, the Court is of the opinion that the findings of fact and conclusions of law of the Magistrate Judge are neither clearly erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1). The Court finds that the Magistrate Judge properly recommended that the decision of the Commissioner be affirmed and that Plaintiff's request in his Memorandum [7] to reverse the decision of the Commissioner and award him Social Security disability benefits be denied. The Proposed Findings of Fact and Recommendation [9] of United States Magistrate Judge Robert H. Walker entered in this cause on July 16, 2013, should be adopted as the finding of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, the Proposed Findings of Fact and Recommendation [9] of United States Magistrate Judge Robert H. Walker entered in this cause on July 16, 2013, is adopted as the finding of this Court.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, Plaintiff's request in his Memorandum [7] to reverse the decision of the Commissioner and award him Social Security disability benefits is **DENIED**.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, the decision of the Commissioner should be and hereby is **AFFIRMED**. A separate judgment will be

entered in accordance with this Order as required by Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED**, this the 9<sup>th</sup> day of August, 2013.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE